

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAWN E.,	:	
	:	
Plaintiff,	:	Case No. 3:23-cv-107
	:	
v.	:	Judge Thomas M. Rose
	:	
COMMISSIONER OF THE SOCIAL	:	Magistrate Judge Kimberly A. Jolson
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

**ENTRY AND ORDER OVERRULING PLAINTIFF [DAWN E.’S] OBJECTIONS
TO THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
(DOC. NO. 15); ADOPTING, IN FULL, THE REPORT AND
RECOMMENDATION (DOC. NO. 14); AND, TERMINATING THIS CASE ON
THE COURT’S DOCKET**

This Social Security disability benefits appeal is before the Court on Plaintiff [Dawn E.’s] Objections to the Magistrate Judge’s Report and Recommendation (the “Objection”) (Doc. No. 15), filed by Plaintiff Dawn E. (“Plaintiff”) in response to Magistrate Judge Kimberly A. Jolson’s Report and Recommendation (the “Report”) (Doc. No. 14). As Magistrate Judge Jolson explained in the Report, Plaintiff applied to the Social Security Administration (the “SSA”) for Disability Insurance Benefits (“DIB”) on August 26, 2020, alleging disability as a result of post-traumatic stress disorder, major depressive disorder, chronic obstructive pulmonary disease, severe anxiety, depression, stress, and panic attacks. (Doc. No. 14 at PageID 769-70.) Following a hearing on Plaintiff’s application, Administrative Law Judge Laura Chess (“ALJ Chess”) issued an agency decision denying Plaintiff’s application for DIB. (Doc. No. 7-2 at PageID 40-60.) Subsequently, on review of ALJ Chess’s decision, the Administrative Appeals Council (the “AAC”) issued the final decision of the Commissioner of Social Security conclusively denying Plaintiff’s application

for DIB. (*Id.* at PageID 24-32.)

In the Report, Magistrate Judge Jolson recommended that Plaintiff [Dawn E.’s] Statement of Specific Errors (Doc. No. 10) be overruled and the Commissioner’s decision be affirmed. (Doc. No. 14 at PageID 786.) Plaintiff timely filed her Objection to the Report (Doc. No. 15), and Defendant timely filed a response to Plaintiff’s Objection. (Doc. No. 16.) Thus, this matter is ripe for review and decision.

If a party objects within the allotted time to a United States magistrate judge’s report and recommendation, then the Court “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* The Court “may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.* In Social Security DIB appeals, the Court’s “review is limited to determining whether the Commissioner’s decision is supported by substantial evidence and was made pursuant to proper legal standards.” *Winn v. Comm’r. of Soc. Sec.*, 615 Fed. App’x. 315, 320 (6th Cir. 2015) (internal quotation marks omitted). Pertinent here, “[t]he Commissioner’s decision satisfies the substantial evidence requirement if the decision is supported by ‘such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.’” *Id.* (quoting *Gayheart v. Comm’r. of Soc. Sec.*, 710 F.3d 365, 374 (6th Cir. 2013)) (internal citation and quotation marks omitted).

Plaintiff lodges only one objection to the Report.¹ (Doc. No. 15 at PageID 789-92.) Plaintiff contends the Report incorrectly found that ALJ Chess and the AAC properly weighed the

¹ Plaintiff has made no objection regarding Magistrate Judge Jolson’s determination that the Commissioner applied the proper legal standard here. Therefore, the Court adopts this determination without objection.

testimony of the SSA's reviewing mental health expert, Dr. Kristen Haskins ("Dr. Haskins"). (*See Id.* at PageID 790.) Specifically, Plaintiff asserts that ALJ Chess and the AAC erroneously found that Dr. Haskins failed to support her opinions with record evidence. (*Id.*)

The Court has made a *de novo* review of the record in this case regarding whether the AAC's final decision is adequately supported by substantial evidence. 28 U.S.C. § 636(b)(1). At every step of Plaintiff's administrative proceedings, both ALJ Chess and the AAC thoroughly explained their reasoning. When weighing Dr. Haskins' report, ALJ Chess and the AAC provided clear analysis as to why they found Dr. Haskins' opinion at least partially unpersuasive. (Doc. No. 7-2 at PageID 30, 50-51.) Importantly, the determinations of ALJ Chess and the AAC regarding Dr. Haskins' opinion are supported by the record. (*Id.*) Indeed, Magistrate Judge Jolson succinctly found as much in the Report after a detailed analysis of the administrative record. (Doc. No. 14 at PageID 780-81.) Ultimately, the Court agrees with Magistrate Judge Jolson's conclusions in this case and Plaintiff's Objection is not well-taken. Moreover, the Court finds that the SSA's final decision regarding Plaintiff's application for DIB is founded in relevant evidence such that a reasonable mind could accept the decision as adequately supported.

Therefore, Plaintiff [Dawn E.'s] Objections to the Magistrate Judge's Report and Recommendation (Doc. No. 15) is **OVERRULED**. The Court **ACCEPTS** the findings and recommendations made by Magistrate Judge Jolson, **ADOPTS** the Report and Recommendation (Doc. No. 14), and rules as follows:

1. The Commissioner's decision is **AFFIRMED**; and
2. The Clerk is directed to **TERMINATE** this case on the Court's docket.

DONE and **ORDERED** in Dayton, Ohio, this Wednesday, January 24, 2024.

s/Thomas M. Rose

THOMAS M. ROSE

UNITED STATES DISTRICT JUDGE